

REMARKS

Claims 1, 10-11, 15 and 29-30 are pending in the application.

Applicants request entry of the Declaration Under 37 CFR 1.132. The reason that the Declaration was not earlier submitted before final rejection is that the inventors were difficult to locate and interview relating to inventorship issues. The inventors in this application are U.S. Army doctors. Others working in the laboratory are CREDA partners to the Army. Some of the CREDA partners are located around the world. It is often difficult to locate Army inventors as well given that they are in and out of different duty assignments.

When the Tenbrock, et al. article was cited against the present claims in the office action dated January 11, 2007, the Applicants representative endeavored to determine whether Klaus Tenbrock was an inventor since he worked in the laboratory with the named inventors. Applicants representative informally interviewed George Tsokos and George Tsokos believed that Tenbrock was an inventor. Applicant's representative attempted to contact Klaus Tenbrock to interview him. Applicants representative was not able to locate Klaus Tenbrock, who resides in Germany, before the response deadline of the January 11, 2007 office action or at anytime before the receipt of the September 20, 2007 office action despite many efforts via phone and email.

After the September 20, 2007 office action was received maintaining the rejection of the claims over the Tenbrock, et al. article, Applicants representative was able to formally interview the named inventors George Tsokos and Yuang-Taung Juang. It was determined that Klaus Tenbrook only provided laboratory assistance and performed experiments under the direction of George Tsokos and Yuang-Taung Juang and did not

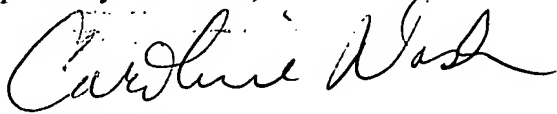
contribute to the conception of the claimed invention. Hence, the information required for a Declaration Under 37 CFR 1.132 was not obtained prior to the receipt of the Final Office Action.

The statement in the July 3, 2007 response that “*Klaus* Tsokos and it is believed that Klaus Tenbrook is an inventor” contained a typographical error. The statement should have read “George Tsokos” rather than “Klaus Tsokos.” Never-the-less, at that time, George Tsokos believed that Klaus Tenbrook was an inventor by his personal definition. By the definition of inventor under the Patent Rules, George Tsokos has declared that Klaus Tenbrook was not an inventor because he did not contributed to the conception of at least one claim.

With this explanation of why the Declaration was not earlier submitted, Applicant respectfully requests entry of the Declaration.

Date: November 23, 2007

Respectfully submitted,

By 

Caroline Nash, Reg. No. 36, 329

Customer No. 30951

Phone Number 540 554-4551

for: Elizabeth Arwine, Reg. No. 45,867

Attorney for Applicants

U.S. Army Medical Research
and Materiel Command

ATTN: MCMR-JA,
Fort Detrick, MD